THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9406 of 2007

Dated: 30-04-2007

Between:

P. Tirupalu.

..... PETITIONER

AND

The State of Andhra Pradesh,
rep.by its Principal Secretary, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9406 of 2007

ORDER:

The petitioner's case is that his father, who was assigned land admeasuring Acs.5.17 in survey No.73/2 situated at Mohammadapuram Village, Hanumanthunipadu Mandal, Prakasam District, in October, 1963 vide patta No.241 issued by the then Tahsildar/Mandal Revenue Officer (MRO), was in continuous possession and enjoyment of the land and that after death of his father, he has been in possession, is cultivating the land and raised eucalyptus plantation. Third respondent (MRO) initiated action under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) on an allegation that the petitioner was found to be transferee of the assigned land in contravention of Section 3(2) of the Act and accordingly issued notice in Form II under Rule 3 of the Andhra Pradesh Assigned Lands

(Prohibition of Transfers) Rules, 2007 (for short, the Rules). The petitioner submitted explanation on 23.04.2007 contending that he is not a transferee of the assigned land and is a landless poor person and that his father was the assignee of the land. The enquiry is still pending before MRO. Apprehending that without conducting enquiry and without communicating the order, MRO might address the Village Officer to resume possession of the land, instant writ petition is filed.

After hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General-A), this Court is convinced that notwithstanding the language used in Rule 3 of the Rules, unless and until MRO completes the enquiry considering the evidence produced by the petitioner and passes the order duly communicating the same, the petitioner shall not be evicted from the land. This observation would dispel any apprehension in the mind of the petitioner. MRO may dispose of the matter within a period of two weeks from the date of receipt of a copy of this order.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

30th April, 2007
ghn